



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

[REDACTED]  
Docket No. 6555-17

FEB 25 2018

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 February 2018. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

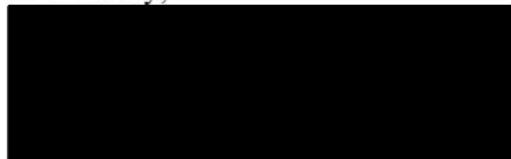
A review of your record shows that you entered active duty with the Navy in March 2000 and served without incident until July 2011 when you expressed suicidal ideations. As a result, you were diagnosed with an adjustment disorder with depressed mood and recommended from disqualification from your Submarine and Nuclear Field duty NEC. On 12 September 2011, your NEC was removed by COMSUBPAC followed by a determination by BUMED that you failed to meet physical standards for Submarine and Nuclear Field duty. After your request for forced rating conversion was denied by Commander, Navy Personnel Command on 26 January 2012, you were processed for administrative separation for condition not a disability. You acknowledged your rights on 10 February 2012 resulting in your discharge from active duty on 23 March 2012.

The Board carefully considered your arguments that you deserve a disability discharge based on the Navy's finding that you were not physically qualified for Submarine and Nuclear Field duty. Unfortunately, the Board disagreed with your rationale for relief. The Board concluded that you were fit for full duty at the time of your discharge except for the NEC which you were deemed unqualified. The Navy's determination that the needs of the Navy did not warrant your conversion to another rating or retention in the Navy does not equate to a finding of unfitness for

continued naval service as defined by the disability regulations. The disability regulations specifically state that physical disqualification from "special duties, such as flying, serving on submarines or in a medical specialty, does not necessarily imply physical unfitness." It goes on to state that referral to the Disability Evaluation System is appropriate only in cases where the "member's ability to reasonably perform active military service is in doubt." In your case, the Board considered the 7 September 2011 finding by COMSUBPAC Force Medical that, even though you were no longer medically qualified for Submarine and Nuclear Field duty, you were otherwise fit for full duty. This medical evidence convinced the Board that you were reasonably able to perform active military service in other ratings not associated with submarine or nuclear duty. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director